

**FROM:** Erin Kissling  
**DATE:** February 20, 2017  
**SUBJECT:** Kindergarten Entrance Law

As school corporations throughout Indiana prepare for the coming school year, educators and families often have questions regarding the kindergarten entrance law in Indiana. The purpose of this memorandum is to assist you in answering questions about the kindergarten entrance law at the local level.

I.C. 20-33-2-7 establishes a statewide entrance eligibility date for public school kindergarten and stipulates a student residing in Indiana be at least **five (5) years of age on or before August 1** in order to enroll in public school kindergarten. This law allows, but does not require, school corporations to have an appeal process for families requesting early entrance.

School corporations deal with entrance issues and the appeal process in a variety of ways. For example, many school corporations will allow children to be enrolled in kindergarten that will be five years of age by a specific date such as September 1, space permitting. It is important to remember that these school corporations are not changing the entrance date but are creating criteria for the appeal process for early entrance into kindergarten. Other corporations interview the parents and the child and come to a joint decision as to the child's best placement. When issues other than age are considered, the solution that meets the best interest of the child's education should drive the decision. All districts should review their appeal process annually.

The opinion of the Department of Education is that school corporations cannot require a parent to assume a cost as a part of the school corporation's early admission appeal process. Such a cost would be inconsistent with the General Assembly's creation of a right intended for access by all parents similarly situated.

In addition to providing guidelines for a local parent appeal process, the 1991 legislation required the Department of Education to develop criteria (that follows) for school corporations to use in adopting assessment procedures for kindergarten or first grade placement of children coming to school for the first time under compulsory attendance laws (during the school year of their seventh birthday).

The law does not require a child to be six years of age on or before August 1 to be eligible for First grade; it does not establish a statewide entrance eligibility date for first grade at all. School corporations have the authority and responsibility to enroll a student in the appropriate grade based on educational factors [I.C. 20-33-2-7 (b)].

Another area to clarify is the terms mandatory and required as pertaining to kindergarten attendance. Even though it is not mandatory that parents enroll their children into kindergarten, once a child is enrolled in kindergarten, the child is required

to adhere to all state statutes, including attendance guidelines. Kindergarten students are included in the funding formula distribution for the 180-day instructional school year. The compulsory attendance laws require students to attend school each day school is in session. As kindergarten programs are funded on the basis of 180 student instructional days and due to the compulsory attendance law, kindergarten students are entitled to the opportunity to attend 180 instructional days. Therefore, activities such as, but not limited to, individual screening and home visits that do not provide instruction to a full class of kindergarten students do not constitute an instructional day.

School corporations with half-day kindergarten programming should ensure that neither the morning nor the afternoon kindergarten session is affected disproportionately by parent-teacher conferences, student release for professional development, weather and emergency-related delays.

Thank you for the important role you play in ensuring that a child's early school experience is a positive and rewarding one. Please contact me at 317-234-6523 should you have any questions regarding this information.

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## **KINDERGARTEN ENTRANCE**

- Any child who meets the age requirements will be welcomed into the kindergarten program.
- Chronological age is the only fair, unbiased determination of a child's eligibility for kindergarten entrance. While I.C. 20-33-2-7 does allow for exceptions, issues of equity must be considered regarding which students, if any, become the exceptions to this law.

## **GUIDELINES FOR EARLY ENTRANCE APPEAL PROCESS**

Each school corporation may establish a procedure for parents to appeal to the superintendent for early entrance or admission of transfer students affected by the kindergarten age requirements. The following should guide local school corporations in establishing an appeal procedure:

- No parent/guardian should be required by a school corporation to incur any cost for appealing an entrance decision.
- When a child transfers from out-of-state or a private kindergarten program and does not meet the Indiana age-eligibility requirements, that child should be accepted into the kindergarten program. Continuity of services, rather than age requirements, should be the strongest consideration.
- Early kindergarten entrance should not be based on a single assessment score or pre-established lists of skills that a child must have "mastered". Standardized norm-referenced achievement tests are not appropriate for evaluating individual children at this age.
  - If a district chooses to use assessment as part of the appeal process for early entry into kindergarten, the decision should not be based on a single test/assessment score or list of skills and should be based on a variety of sources of information.

- Any decision to approve a parent/guardian request for early entrance should be based upon what is in the best interest of the child.

## **CRITERIA FOR ADOPTING MODEL ASSESSMENT FOR DETERMINING INITIAL PLACEMENT**

If a student enrolls in school and has not attended kindergarten, the superintendent shall make a determination as to whether the student shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body of the district [IC 20-33-2-7 (b)]. The following criteria are suggested for use in making decisions regarding assessment procedures for determining kindergarten or first grade placement for children entering school for the first time under compulsory attendance laws:

- It should be understood that children coming to school are at various developmental levels.
- Decisions having a major impact on children, such as enrollment into first grade and assignment to remedial or special classes, should be based on a variety of sources of information (not all of which will be objective) and should never be based on a single assessment score or sole criterion.
- A district may use an instrument aligned to the Indiana Academic Kindergarten Standards as a base for deciding enrollment into first grade. Any assessment tool selected should be documented as valid and reliable and administered with fidelity.